

Federal Communications Commission

Washington, DC 20554

Feb 5 12 22 PM '04

In the Matter of)
Request for Review of the)
Decision of the)
Universal Service Administrator by)
Griswold Community Schools) File No. SLD-299814
Griswold, Iowa)
Schools and Libraries Universal Service) CC Docket No. 02-6
Support Mechanism)

ORDER**Adopted: February 5, 2004****Released: February 6, 2004**

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration a Request for Review filed by Griswold Community Schools (Griswold), Griswold Iowa.¹ Griswold requests review of a decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).² For the reasons set forth below, we deny the Request for Review.

2. SLD denied Griswold's funding request because Griswold's application did not comply with the Commission's competitive bidding requirement that an applicant's FCC Form 470 be posted to SLD's website for 28 days before entering into an agreement or submitting the FCC Form 471.³ In its Request for Review, Griswold asserts that based information received from its service provider, it erroneously determined that it was not necessary to file a FCC Form 470 because it was a contracted service.⁴ Upon review of the record, we conclude that SLD's

¹ Letter from Rich Mortensen, Griswold Community School District, to Federal Communications Commission, filed May 10, 2002 (Request for Review).

² *Id.* Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

³ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Rich Mortensen, Griswold Community Schools, dated July 1, 2002 (Administrator's Decision on Appeal). *See also* Letter from Schools and Libraries Division, Universal Service Administrative Company, to Rich Mortensen, Griswold Community Schools, dated April 24, 2002 (Funding Commitment Decision Letter).

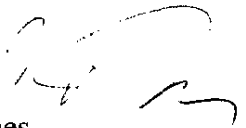
⁴ Request for Review.

decision is consistent with our rules and affirm substantially for the reasons stated by SLD.⁵ In light of the thousands of applications that SLD reviews and processes each funding year, it is administratively necessary to place on the applicant the responsibility of understanding all relevant program rules and procedures.⁶

3. Further, construing Griswold's argument as a request for a waiver of the filing window deadline, we find that a waiver is not appropriate. A waiver from the Commission is appropriate if special circumstances warrant a deviation from the general rule, and such deviation would better serve the public interest than strict adherence to the general rule.⁷ Griswold's misunderstanding of the Commission's rules is not a special circumstance warranting a waiver of the filing window. Therefore, we affirm SLD and deny Griswold's Request for Review.

4. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, 1.3, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3, and 54.722(a), that the Request for Review filed by Griswold Community Schools, Griswold, Iowa, on May 10, 2002 IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION



Narda Jones
Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau

⁵ See 47 C.F.R. §§ 54.504, 54.511(c) (Commission's rules provide that, with one limited exceptions for existing, binding contracts, an applicant must comply with the Commission's competitive bidding requirements, including the posting of a FCC Form 470 on SLD's website for 28 days before entering into an agreement with a service provider for the requested services and submitting an FCC Form 471). See also *Request for Review by Tomahawk School District, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-183249, CC Dockets No. 96-45 and 97-21, Order, 16 FCC Rcd 8768 (Com. Car. Bur. 2001); *Request for Review of the Decision of the Universal Service Administrator by Chickasaw Regional Library System, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-142924, CC Dockets No. 96-45 and 97-21, Order, 17 FCC Rcd 683 (2002).

⁶ See *Request for Review by Anderson School Staatsburg, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of National Exchange Carrier Association, Inc.*, File No. SLD-133664, CC Docket No. 96-45 and 97-21, Order, 15 FCC Rcd 181 (Com. Car. Bur. 2000).

⁷ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*); see also *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969) (stating that the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis), *cert. denied*, 409 U.S. 1027 (1972).